

26 June 1953

OGC HAS REVIEWED.

MEMORANDUM FOR: Chairman, CIA Career Service Board
FROM: Executive Secretary, CIA Career Service Board
SUBJECT: Matters affecting a Legislative Program

In response to your recent request there are grouped below various topics which should be considered in the development of a legislative program. These include:

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1. Matters concerning which legislation was suggested in CIA Notice [REDACTED]
2. Matters concerning which legislative action is presently in process;
3. And other problems to which consideration should be given in order to determine whether legislation is required to permit the Agency to solve them or whether a policy determination within the framework of present legislation will suffice.

1. Status of legislation recommended in Tab G of CIA Career Service Program of 11 June 1952.

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- a. Additional benefits for personnel disabled while in the employment of CIA. [REDACTED]

COMMENT:

As far as can be determined, nothing has been done in this area.

- b. Pay, within-grade raises, and grade promotions for personnel who are detained involuntarily by foreign governments, known as the "Missing Persons Act", for vouchered funds employees. 25X1A

COMMENT:

These benefits were obtained by recent legislation sponsored by the Department of Defense and which was reported to the Board at its meeting on 23 April 1953. The present act, however, expires on 1 February 1954. Action should be taken to provide permanent protection to CIA employees, both vouchered and unvouchered, prior to that date.

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c. Application of the principles of the United States Employees' Compensation Act to dependents of employees engaged in hazardous duties who are themselves exposed to hazard.

COMMENT:

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As yet no legislation has been initiated in this area.

d. Death gratuity of six months' base pay to dependents of CIA employees whose death occurs in line of duty while serving overseas.

COMMENT:

No legislation has yet been developed.

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e. A more liberal retirement system.

COMMENT:

In reviewing H.R. 2851, which proposes revision to the Civil Service Retirement Act, the Personnel Office took a position favorable to the liberalization of the amount of annuity benefits and eligibility for benefits. It noted that consideration should be given to an amendment providing for retirement at age 50 with 20 years service in hazardous security work, comparable to special features in the Retirement Act and in H.R. 2851 for persons engaged in criminal investigation.

The 82nd Congress has established a committee to study all Federal retirement and related systems. The Committee is expected to make its report near the end of 1953. It is assumed that major revision of the Retirement Act will not be considered prior to submission of the Committee's report.

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f. An appropriate and adequate leave system for all overseas employees.

COMMENT:

In a staff study dated 23 June 1953 concerning proposed changes in Agency Leave Policies, the Personnel

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Office recommended that legislation be drafted and presented extending home leave benefits granted to Foreign Service employees of the State Department to employees of the Central Intelligence Agency. This project was referred to the General Counsel for drafting and submission of the necessary legislation upon approval of the recommendation by the DD/A 14 August 1952.

2. Matters concerning which legislative action is presently in process.

a. (See also 1c, above)

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b. Educational Allowances to Employees Serving Overseas

COMMENT:

In accordance with instructions of the A/DD/A, the Personnel Office recently completed and is currently co-ordinating with the DD/P a staff study concerning the payment of tuition for school-age dependents of overseas employees. One of the recommendations resulting from this study is that the Agency give positive and active support to specific legislation, which is being proposed by the Bureau of the Budget, to provide uniform allowances, including education allowances, to all overt overseas civilian employees of the Federal Government.

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c. Dual Compensation

COMMENT:

In reviewing H.R. 4773, which is proposed "to simplify and consolidate the laws relating to the receipt of compensation from dual employments under the United States," the Personnel Office agreed with the principle of simplifying the complex legislation on this subject and recommended careful review of the numerous provisions of law to be rescinded by H.R. 4773.

d. Pay

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COMMENT:

Several bills, especially H.R. 585, H.R. 5118, S. 189, S. 3477 and HR 4556 relating to cost of living adjustments, unemployment insurance, severance pay, and

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pay increases have been introduced in the present session of Congress. These proposals have been considered and are generally favorable to CIA personnel policy.

e. Selection of Supervisors

COMMENT:

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In reviewing S. 3493, concerned with development of more effective methods for selecting supervisory personnel, the Personnel Office generally indorsed the position taken by the Federal Personnel Council, agreeing to the importance of improvement in supervisory techniques. It is doubtful, however, that improvement can be accomplished by an inflexible program such as proposed.

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f. Incentive Awards Programs

COMMENT:

S. 3492 was introduced to provide a single authority for incentive awards programs by replacing the multiplicity of overlapping statutes already existing. The Personnel Office has recommended that the Agency adopt a position favorable to such simplification.

3. Other problems to be considered in developing a legislative program.

a. Personnel Evaluation

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COMMENT:

The Performance Rating Act of 1950 requires Federal agencies--except those specifically exempted--to establish one or more performance rating programs for evaluating the work performance of employees. In addition, the Act stipulates that "no officer or employee of any department shall be given a performance rating, regardless of the name given to such rating, and no such rating shall be used as a basis for any action, except under a performance rating plan approved by the Civil Service Commission as conforming with the requirements of this Act." The Act became effective 30 December 1950.

Initial efforts to implement the provisions of the Performance Rating Act of 1950 indicated that certain requirements of the Act could not be harmonized with the security obligations of CIA. The Personnel Office at that time recommended that the Agency seek exemption. Subsequently, by the establishment of Agency's Personnel Evaluation Program, a position was adopted, knowingly, which is explicitly prohibited by the terms of the Act. The original Career Service Committee recommended in 1951 that the Agency seek exemption from the Act.

The Agency's Legislative Counsel advised the Assistant Director (Personnel), by memorandum dated 14 November 1952, that the current CIA legislative program includes a section exempting CIA from the Performance Rating Act of 1950.

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b. Hardship Posts

COMMENT:

Is legislation required to enable CIA to systematically provide adequate compensation to all personnel stationed at posts declared to be hardship posts by the Department of State? Likewise, can CIA declare other stations, not considered by State, to be hardship posts?

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c. 24-Hour Duty Concept

COMMENT:

Is CIA able to apply a consistent and true 24-hour duty concept to all of its employees without additional legislation? (see OGC to AD/P 3 April 53)

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d. Tenure and Job-Security

Comment:

In view of recent Executive Orders (No. 10440 and 10463) regarding the new Civil Service Schedule C job grouping and the possible transfer of Schedule A employees to this new grouping, there is need for clarification of the legal status of current CIA employees and the authority for future appointments. Legislation

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may be required to provide CIA employees with benefits and career status which are at least comparable to those of the Career Civil Service.

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e. Reduction in Force

COMMENT:

Applicability to CIA, from the legal point of view, of the reduction-in-force provisions of the Veterans Preference Act should be studied to determine if and how CIA can comply. Paragraphs 3a and 3d above are also involved in this complex matter.

f. Medical Benefits

COMMENT:

In the medical field several areas for possible legislative action have been suggested. ILLEGIB

- 1. Medical aid to dependents overseas
- 2. Transportation of dependents when medical care is required overseas.
- 3. Medical care for headquarters personnel on TDY travel.
- 4. Medical care for headquarters personnel comparable to that available for overseas personnel in certain fields and under controlled circumstances.

This matter is extremely complex and is also involved with paragraphs 1a, 1c, 3b, 3c above and 3 g below.

g. Insurance

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COMMENT:

The Insurance Task Force is presently engaged in studying all aspects of insurance as it affects the people of CIA. Its studies impinge on many of the problems listed above. The Task Force may have recommendations to make regarding legislation at the appropriate time.

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4. It is recommended that the CIA Career Service Board establish a Task Force which, working with the General Counsel and the administrative offices of the Agency, will study the problems outlined above and submit recommended solutions to the CIA Career Service Board including recommendations for additional legislation as appropriate.



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